

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	No. 98 CR 700
)	
DERRICK MOSLEY,)	
)	
Defendant.)	

MEMORANDUM ORDER

Derrick Mosley ("Mosley") has just filed a pro se "Motion To Withdraw His Motion for a Hearing To Reconsider Supervised Release Revocation." After repeating his earlier characterization of Probation Officer Ronald Byrne as having engaged in "unfair treatment and abuse of power" that had assertedly subjected Mosley to "duress" that caused him to "accept[] the indecorous supervised release violation that had been reported to Probation Officer Byrne," Mosley has proceeded to attribute "obvious duress and subjugation" to this Court's January 27 response to his January 22 motion for reconsideration.

"Duress" appears to be among Mosley's favorite ways to characterize any suggestion that he should be prepared to take responsibility for his own actions. In this instance this Court would have regarded itself as remiss if it had failed to caution Mosley that his effort to have his violation of supervised release revisited could operate to his disadvantage. In that respect the situation was comparable to that addressed by the

Supreme Court, at a time when the Sentencing Guidelines were still understood to be mandatory rather than advisory, and the Court (speaking through Justice Marshall) held that a sentencing judge was obligated to give advance warning to the defendant that the judge was considering the imposition of an above-Guidelines sentence (Burns v. United States, 501 U.S. 129 (1991)).

Accordingly this Court grants Mosley's motion to withdraw his earlier motion. But it rejects out of hand his totally unacceptable and erroneous references to "duress."

A handwritten signature in black ink, reading "Milton I. Shadur". The signature is written in a cursive, flowing style.

Milton I. Shadur
Senior United States District Judge

Date: February 3, 2010